

**UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF TEXAS,
DALLAS DIVISION**

ERIC GROSS,	§	No.
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
FIRST INVESTORS FINANCIAL	§	
SERVICES.,	§	
	§	
Defendant.	§	

PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL

ERIC GROSS (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against FIRST INVESTORS FINANCIAL SERVICES. (Defendant):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(1)*.
6. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

PARTIES

7. Plaintiff is a natural person residing at 5990 Arapho Road, Dallas, Dallas County County, Texas.
8. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
9. Defendant is an alleged debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
10. Plaintiff is informed and believes, and thereon alleges, that Defendant is a national company with offices in the City of Houston, County of Fulton, State of Texas.
11. Plaintiff is informed and believes, and thereon alleges, that Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).
12. Plaintiff is informed and believes, and thereon alleges, that Defendant is not a firm of attorneys or counselors at law and is a company who, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection as that term is defined by California Civil Code § 1788.2(b), and is a "debt collector" as that term is defined by California Civil Code § 1788.2(c).

FACTUAL ALLEGATIONS

13. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.
14. Defendant contacted Plaintiff from telephone number (770) 956-3800.

15. Defendant placed calls to Plaintiff before 8:00 a.m in the morning.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(a)(1) by contacting Plaintiff before 8:00 a.m. or after 9:00 p.m.
- b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- c. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, ERIC GROSS, respectfully requests judgment be entered against Defendant, FIRST INVESTORS FINANCIAL SERVICES, for the following:

17. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
18. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
19. Actual damages,
20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
21. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: March 8, 2010

By: /s/Peter Cozmyk,

Peter Cozmyk Esq.
Attorneys for Plaintiff
Krohn & Moss, Ltd.
3 Summit Park Drive
Suite 140
Independence, OH 44131

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, ERIC GROSS, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF _____

Plaintiff, ERIC GROSS, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, ERIC GROSS, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 2-18-10


ERIC GROSS